UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,923	09/23/2005	Timothy John Hunneyball	P/63074	6632

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EXAMINER
TAHA, SHAQ

ART UNIT	PAPER NUMBER
2446	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>19 May 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

  a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

  b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

  (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

  (b)☐ They raise the issue of new matter (see NOTE below);

  (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

  (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

  The status of the claim(s) is (or will be) as follows:

  Claim(s) allowed: <u>None</u>.

  Claim(s) objected to: <u>None</u>.

  Claim(s) rejected: <u>17 - 32</u>.

  Claim(s) withdrawn from consideration: <u>1 - 16</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

  See Continuation.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

  /Jeffrey Pwu/

  Supervisory Patent Examiner, Art Unit 2446

Continuation of 11: The Applicant Argues:That Brabson et al. does not teach the features of b) in claim 17.
In response, the examiner disagrees: Brabson et al. teaches two different nodes, node 200 and node 270 wherein diferent nodes have different protocols, as shown in fig 2, an example scenario where end node 200 APPN network 210 requests a connection to end node 260 in a second APPN network 270, wherein the second network is Ref # 270, (Brabson et al., Paragraph 17, Page 2).

The Applicant Argues:That Brabson et al. does not teach the features of c) in claim 17.
In response, the examiner disagrees: Brabson et al. teaches a router that include the originating node, the destination node, possibly one or more intermediate nodes, and the links or transmission groups which connect the nodes on the route as shown in Fig. 2, wherein networks 210 and 270 have their own nodes, (Brabson et al., Paragraph 5, Page 1)

The Applicant Argues:That Brabson et al. does not teach a communication interface between two networks that sends values to anode within one of those networks.
In response, the examiner disagrees: Brabson et al. teaches Border nodes enable communication between two or more networks, and have a network node interface for outbound communications from the native (e.g. originating node's) network and an end node interface for inbound communications from the non-native (e.g. destination node's) network, (Brabson et al., Paragraph 6).

The Applicant Argues:That Brabson et al. does not teach the features of e) in claim 17.
In response, the examiner disagrees: Brabson et al. teaches two different nodes, node 200 and node 270 wherein diferent nodes have different protocols, as shown in fig 2, an example scenario where end node 200 APPN network 210 requests a connection to end node 260 in a second APPN network 270, wherein the second network is Ref # 270, (Brabson et al., Paragraph 17, Page 2).

 The Applicant Argues:That Brabson et al. does not teach the features of f) in claim 17.
In response, the examiner disagrees: Kaplan et al. teaches measuring means for determining which of the plurality of telecommunications paths should be utilized for transferring the data file in accordance with the set of user priorities, (Kaplan et al., Col. 3, Lines 13-17).

 The Applicant Argues:That Brabson et al. does not teach means for modifying the value sent to the first node by an interface upon selection of that interface.
In response, the examiner disagrees: Brabson et al. teaches allowing a user to override preset default values and specify critical transfer parameters on a file-by-file basis, wherein the user modifies the value of that interface, (Kaplan et al., Col. 2, Lines 59-64).